

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | CRIMINAL NO. 09-336 |
| | § | |
| MICHAEL N. SWETNAM, JR. | § | |

FINAL ORDER OF FORFEITURE

Pending before the Court is the United States Motion for Final Order of Forfeiture. Having considered the motion and the applicable law, the Court has decided to GRANT the motion.

Defendant Swetnam was sentenced for mail fraud on June 9, 2011 (Dkt. No. [186](#)). The Court imposed a personal money judgment of \$2,950,301.00 against the Defendant, and Defendant Swetnam's residence was forfeited to the extent of \$77,526.91 in proceeds directly traced into the real property (Order of Forfeiture, Dkt. No. [184](#)). The Court subsequently forfeited as substitute assets one-half of the net proceeds that would otherwise be due to the sellers from the sale of the residence (Order Forfeiting Substitute Asset, Dkt. No. [191](#)).

The United States published notice of the forfeiture (Dkt. No. [195](#)), and the Defendant's wife was served (Dkt. No. [194](#)) with both the Order of Forfeiture and the Order Forfeiting Substitute Asset. The Court takes notice that no party has filed a

timely petition asserting a claim to any of the property listed in this Order.

The Court is informed that the residence was sold and that the United States received (1) \$77,526.91 wired to the U.S. Marshals Service in compliance with this Court's Order of Forfeiture; and (2) \$11,023.28 wired to the U.S. Marshals Service as one-half of the net proceeds that would otherwise be due to the sellers, in compliance with this Court's Order Forfeiting Substitute Asset.

Accordingly,

1. It is ORDERED that the following property is forfeited to the United States: the sums of \$77,526.91 and \$11,023.28, held by the U.S. Marshals Service.
2. It is ORDERED that pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, the forfeiture of the property listed in this order is final as to Defendant.
3. It is ORDERED that all persons who could claim any right, title or interest in or to the property being forfeited in this Order are held in default.
4. It is ORDERED that the United States shall dispose of the forfeited property according to law.
5. It is ORDERED that the United States shall credit against the money judgment against Defendant the sums of \$77,526.91 and \$11,023.28.

6. It is ORDERED that the United States may move to amend this Order at any time to substitute property to satisfy the money judgment in whole or in part.

THIS IS A FINAL ORDER OF FORFEITURE.

Signed in Houston, Texas, on the ____ day of _____ 2012.

Hon. Keith Ellison
UNITED STATES DISTRICT JUDGE